

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RAYMOND LEE KYLE,

Petitioner,

v.

CASE NO. 08-CV-14781
HONORABLE GEORGE CARAM STEEH

KENNETH ROMANOWSKI,

Respondent.

ORDER GRANTING PETITIONER'S REQUEST TO EXPAND RULE 5 MATERIALS

This matter is before the Court on Petitioner's "Objection to Respondent's Version of Rule 5 Materials" [Dkt. 7 & 8], which the Court construes as a request to expand the Rule 5 materials submitted by Respondent. Petitioner seeks the addition of the prosecutor's brief in response to his state court motion for relief from judgment, referred to as a "6.500 motion" in his pleadings. Petitioner asserts that the brief contains information relevant to his habeas claims and contains material and exculpatory evidence used by the prosecution and defense at trial. Respondent has not filed a response to the objections.

Pursuant to Rule 5 of the Rules Governing Section 2254 Cases, Respondent is required to submit all transcripts and documents relevant to the determination of the habeas petition at the time the answer is filed. *See* Rule 5, 28 U.S.C. foll. § 2254. The Court may also require that the record be expanded to include additional materials relevant to the determination of the habeas petition. *See* Rule 7, 28 U.S.C. foll. § 2254. Having reviewed the pleadings, the Court finds that the document requested by Petitioner may be relevant to his habeas claims and may assist the Court in

resolving this matter. Accordingly, the Court **GRANTS** Petitioner's request and **ORDERS** Respondent to file the requested document within **30 days** of the filing date of this order if Respondent has not already done so.

Dated: June 24, 2009

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
June 24, 2009, by electronic and/or ordinary mail.

s/Josephine Chaffee
Deputy Clerk